



GOVERNMENT OF WEST BENGAL  
OFFICE OF THE DISTRICT MAGISTRATE  
NORTH 24 PARGANAS, BARASAT  
(JUDICIAL MUNSHIKHANA DEPARTMENT)

ORDER

Whereas Authorized Officer, Bank of Baroda, Madhyamgram Branch, Debojyoti Dham Chanda Nagar, Madhyamgram, Kolkata – 700 129, has filed a petition to the District Magistrate, North 24-Parganas, u/s 14 of SARFAESI Act of 2002 seeking administrative assistance for taking physical possession on the secured assets/Property of the Borrower namely Sri Sankar Saha S/o. Sri Bijay Saha, residing at, Rani Park, Badu Road, Udayrajpur, PS – Madhyamgram, North 24 Parganas, Kolkata – 700 129. (Case No – 134/23/MN)

and

whereas in the light of above order the petition along with affidavits and other relevant documents submitted by the Authorised Officer, Bank of Baroda, Madhyamgram Branch, Debojyoti Dham Chanda Nagar, Madhyamgram, Kolkata – 700 129 seeking administrative assistance in terms of sec 14(1) of the SARFAESI Act of 2002 for taking over physical possession of the secured asset is/are seen and taken up for consideration

and

whereas from the documents and status report submitted by the Authorised Officer, it transpires that the secured creditor granted a loan Rs. 20,00,000.00 (Rupees Twenty Lac Only) on 30.12.2017 to Borrower namely Sri Sankar Saha S/o. Sri Bijay Saha, residing at, Rani Park, Badu Road, Udayrajpur, PS – Madhyamgram, North 24 Parganas, Kolkata – 700 129, against the all the mortgaged piece and parcel of landed property as follows:

SCHEDULE OF PROPERTY

1) All that piece and parcel of a Flat No. 4B, 4<sup>th</sup> Floor, measuring a Super Built up area more or less 965 Square Feet of the Apartment namely "Green Valley Apartment" situated on the landed property measuring an area more or less 12 Cottah 12 Chittack 10 Square Feet along with a super structure situated on Mouza – Chandnagar, J.L.No – 44, R.S. No. – 167, Touzi No.- 146, R.S.Khatian No. – 336, L.R.Khatian No – 1988, 1989, 1990 & 1991, R.S. Dag No– 385, L.R.Dag No - 2065, Holding No – 3/7, PS – Madhyamgram, North 24 Parganas. The Building is Butted and Bounded by North – 16' wide Road, South – 10' wide common passage, East – 10' wide common passage, West – Boundary Wall. Mortgaged Property stands in the name of Sri Sankar Saha S/o. Sri Bijay Saha and being the registered Deed No – I – 150301282 for the year 2018 at the Office of the ADSR – Barasat, North 24 Parganas, WB.

2) The borrower has committed default in repayment of the financial assistance granted aggregating the specified amount and consequent to such default in repayment, the account of borrower was classified as NPA on 28.01.2021 due to non servicing of interest/installment

3) Notice dated 20.11.2021 u/s 13(2) of SARFAESI Act. 2002 demanding payment of default amount was served to the defaulting borrower. The outstanding amount as mentioned in notice is Rs. 20,98,966.00 (Rupees Twenty Lac Ninety Eight Thousand Nine Hundred and Sixty Six) Only. The Demand notice was received by the borrower on 23.11.2021

4) The Authorised Officer of the secured creditor received no representation from the borrower in reply to demand notice u/s 13(2) dated 20.11.2021

5) The Secured creditor issued possession notice dated 09.02.2022 u/s 13(4) of SARFAESI Act of 2002 for taking Possession on the secured assets of the borrower and also published the same in the daily news papers on 10.02.2022

6) Thus the Authorised Officer of the secured creditor observed all the formalities as laid down in the SARFAESI Act 2002 for realization of the said outstanding amount from the secured debtor

and

7) whereas, the Secured Asset in within the jurisdiction of the District Magistrate, North 24- Parganas

and

8) whereas, the amount dues more than 20% of the Principal Advance and Security interest is not created in any agricultural land

And

9) whereas, the secured creditor wants to reconstruct their financial asset(s) after handing over and taking over physical possession of the secured asset / property as scheduled above, belonging to the Borrower(s) / Co-borrower(s) / Director(s) / Guarantor(s) / Partner(s) / Proprietor(s) / Corporate Guarantor(s) / Surety(ies) as per law in force

and

10) whereas, for the purpose of taking possession of the secured asset(s) and documents, the secured creditor requested the District Magistrate, North 24 Parganas u/s 14 of SARFAESI Act of 2002.

and

11) There is no case pending before any court of law under Section 34 of SARFAESI Act, 2002 in this regard filed by the borrower as per '30 Clauses' declaration submitted by the secured creditor and as per affidavit dated 30.11.2023 submitted by the secured creditor there is no stay declared by any court of law.

and

12) The property is not under leese/tenancy as per affidavit, deed(s), records or all other relevant documents



and

Therefore, after careful consideration of the contents of the affidavit including the nine clauses mentioned under Section 14(1) B of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 and all other relevant documents, which the secured creditor filed duly affirmed by the authorized officer of Bank of Baroda, Madhyamgram Branch, Debojyoti Dham Chanda Nagar, Madhyamgram, Kolkata – 700 129, the secured creditor and being satisfied, it is hereby ordered that Sri Lakshmi Kanta Roy, Executive Magistrate by Sub Section (1) of Section 20 of the Criminal Procedure, 1973 (Act 2 of 1974), in the Office of the District Magistrate, North 24- Parganas, under the District Magistrate, North 24 Parganas will take physical possession of the secured assets/property and forward the same to the secured creditor u/s 14 (1A) of SARFAESI act. 2002

and

Whereas Authorized Officer, Bank of Baroda, Madhyamgram Branch, Debojyoti Dham Chanda Nagar, Madhyamgram, Kolkata – 700 129 shall intimate the date of possession of the secured asset to the Superintendent of Police, Barasat Police District, North 24 - Parganas, as well as to Sri Lakshmi Kanta Roy, Executive Magistrate by Sub Section (1) of Section 20 of the Criminal Procedure, 1973 (Act 2 of 1974), in the Office of the District Magistrate, North 24- Parganas, well in advance to take physical possession of the secured assets/Property of the secured creditor on behalf of District Magistrate, North 24- Parganas, The Superintendent of Police, Barasat Police District, North 24 - Parganas, will provide police force for maintenance of law & order. The secured creditor will remain present at the time of taking over physical possession.

A spot videography should be made in connection with taking over physical possession of secured assets, on the date of taking over possession and soft copy of the videography should be kept under custody.  
Let copy of this order be served upon all concerned.

The order is to be enforced within 06 (Six) months from the date of receipt of this order.

  
District Magistrate,  
North 24 - Parganas.

Date - 05/12/2023

Memo No. J -15013(11)/ 3127 /11(5)/2023/JM

Copy forwarded for information and necessary action to :-

1. The Superintendent of Police, Barasat Police District, North 24- Parganas, with a request to comply with the said order.
2. The Sub Divisional Officer, Barasat, North 24- Parganas, with a request to comply with the said order.
3. Sri Lakshmi Kanta Roy, Executive Magistrate, in the Office of the District Magistrate, North 24- Parganas, with a request to comply with the said order.
4. Authorized Officer, Bank of Baroda, Madhyamgram Branch, Debojyoti Dham Chanda Nagar, Madhyamgram, Kolkata – 700 129.
5. Sri Sankar Saha S/o. Sri Bijay Saha, residing at, Rani Park, Badu Road, Udayrajpur, PS – Madhyamgram, North 24 Parganas, Kolkata – 700 129.

  
District Magistrate  
North 24-Parganas.